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State/Territory Name: North Dakota

State Plan Amendment (SPA) #: 18-0011

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) 179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1961 Stout Street, Room 08-148
Denver, CO 80294



Denver Regional Operations Group

September 19, 2019

Caprice Knapp, Medicaid Director
Division of Medical Services
North Dakota Department of Human Services
600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

Dear Ms. Knapp:

We have reviewed the proposed State Plan Amendment (SPA) submitted under transmittal number (TN) 18-0011. This amendment clarifies rehabilitative services, including covered practitioners and services, and makes a number of updates to reimbursement methodologies, including updating the providers who can be reimbursed for behavioral health services within an FQHC.

Please be informed that this State Plan Amendment was approved September 18, 2019, with an effective date of November 1, 2018. We are enclosing the CMS-179 and the amended plan page(s).

If you have any questions concerning this amendment, please contact Kirstin Michel at (303) 844-7036.

Sincerely,



Richard C. Allen
Director, Western Regional Operations Group
Denver Regional Office
Centers for Medicaid and CHIP Services

cc: Krista Fremming, North Dakota
Stacey Koehly, North Dakota

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: <div style="text-align: center; font-size: 1.2em;">18-0011</div>	2. STATE <div style="text-align: center; font-size: 1.2em;">North Dakota</div>
FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE <div style="text-align: center; font-size: 1.2em;">November 1, 2018</div>	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT </div> <div style="text-align: center; font-size: 0.8em;"> COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>) </div>			
6. FEDERAL STATUTE/REGULATION CITATION: <div style="text-align: center; font-weight: bold;">1902 (bb) of the SSA, 42 CFR 440.130</div>		7. FEDERAL BUDGET IMPACT: a. FFY <u>2019</u> \$ <u>NONE</u> b. FFY <u>2020</u> \$ <u>NONE</u>	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment to Page 6 of Attachment 3.1-A Attachment to Page 5 of Attachment 3.1-B Attachment 4.19-B, Page 3a, 3b, 3b-1 and 3-b2 Attachment 4.19-B, Page 5b		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): Attachment to Page 6 of Attachment 3.1-A Attachment to Page 5 of Attachment 3.1-B Attachment 4.19-B, Page 3a, 3b, 3b-1 and 3-b2 Attachment 4.19-B, Page 5b	
10. SUBJECT OF AMENDMENT: Amends the State Plan regarding rehabilitative services to clarify covered services and practitioners, clarify the payment methodology and clarify the list of providers who can provide a behavioral health service encounter for FQHCs.			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL </div> <div style="width: 35%;"> <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: <u>Erik Elkins, Assistant Director,</u> <u>Medical Services Division</u> </div> </div>			
12. SIGNATURE OF STATE AGENCY OFFICIAL: <div style="background-color: black; width: 200px; height: 30px; margin: 5px 0;"></div>		16. RETURN TO: Erik Elkins, Assistant Director Division of Medical Services ND Department of Human Services 600 East Boulevard Avenue Dept 325 Bismarck ND 58505-0250	
13. TYPED NAME: <div style="text-align: center; font-weight: bold;">Erik Elkins</div>			
14. TITLE: <div style="text-align: center; font-weight: bold;">Assistant Director, Division of Medical Services</div>			
15. DATE SUBMITTED: <div style="text-align: center;"> Original Date: October 19, 2018 Resubmission Date: July 17, 2019 </div>			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: <div style="text-align: center;">October 19, 2018</div>		18. DATE APPROVED: <div style="text-align: center;">September 18, 2019</div>	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: <div style="text-align: center;">November 1, 2018</div>		20. SIGNATURE OF REGIONAL OFFICIAL: <div style="background-color: black; width: 150px; height: 20px; margin: 5px 0;"></div>	
21. TYPED NAME: <div style="text-align: center;">Richard C. Allen</div>		22. TITLE: <div style="text-align: center;">Director, WROG</div>	
23. REMARKS:			

13d. Rehabilitative Services.

Definition of Services

Rehabilitative Services are designed to provide a group of needed mental health services to Medicaid-eligible individuals in order to restore them to their highest possible functioning level for maximum reduction of physical or mental disability. Services are limited to individuals in families that are in crisis with risk of major disruption, to individuals who are at risk of entering or reentering a mental health or hospital facility, services provided by Human Service Center staff that are not otherwise Other Licensed Practitioners, in settings outside the Center, and services provided to individuals who have discharged from inpatient psychiatric treatment.

Services include behavioral intervention services that consist of developing and implementing a regimen that will reduce, modify or eliminate undesirable behaviors and/or introducing new methods to induce alternative positive behaviors and management including improving life skills. Specific services are defined in the table below.

Medicaid-eligible children under EPSDT, are able to receive these and all other medically necessary services.

Rehabilitative services must be provided to, or directed exclusively toward, the treatment of the Medicaid-eligible individual.

There is no duplication of billed services.

Rehabilitative Services do not include the following:

- a. Room and board;
- b. Services provided to residents of institutions for mental diseases;
- c. Services that are covered elsewhere in the State Medicaid plan;
- d. Educational, vocational and job training services;
- e. Recreational and social activities;
- f. Habilitation Services;
- g. Services provided to inmates of public institutions; and
- h. Services rendered in schools as part of a child's Individualized Education Program.

Service Name	Definition of Services	Who Provides
Screening, Triage, and Referral Leading to Assessment	This service includes the brief assessment of an individual's need for services to determine whether there are sufficient indications of behavioral health issues to warrant further evaluation. This service also includes the initial gathering of information to identify the urgency of need. This information must be collected through a face-to-face interview with the individual and may also include a telephonic interview with the family/guardian as necessary. This service includes the process of obtaining cursory historical, social, functional, psychiatric, developmental, or other information from the individual and/or family seeking services in order to determine whether or not a behavioral health issue is likely to exist and the urgency of the need. Services are available 24 hours per day, seven days per week. This service also includes the provision of appropriate triage and referrals to needed services based on the individual's presentation and preferences as identified in the screening process.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Exempt Psychologist, Licensed Professional Counselor (LPC), Behavior Modification Specialist
Behavioral Assessment	Interview with the individual, family, staff or other caregivers, and observation of the individual in the environment to assess identified behavioral excesses or deficits. This service involves operationally defining a behavior, identifying environmental, antecedent and consequent events, and making a hypothesis regarding the likely function or purpose of the behavior as well as formulation of therapeutic recommendations/intervention regimen.	Licensed Exempt Psychologist, Licensed Certified Social Worker (LCSW), Licensed Professional Counselor (LPC)
Crisis Intervention	Emergency behavioral health therapeutic intervention intended to assist in a crisis situation. Crisis situations may be defined as an individual's perception or experience of an event or situation that exceeds the individual's current resources or coping mechanisms. Crisis intervention seeks to stabilize the individual's mental state and prevent immediate harm to the individual or others in contact with that individual.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Professional Counselor (LPC), Behavior Modification Specialist
Nursing Assessment and Evaluation	This service requires face-to-face contact with the individual to monitor, evaluate, assess, and/or carry out an order from a licensed practitioner within their scope of practice. This service must be inclusive of all of the following items: 1. Assessment to observe, monitor, and care for the physical, nutritional and psychological issues,	Registered Nurse (RN)

Service Name	Definition of Services	Who Provides
Nursing Assessment and Evaluation (continued)	<p>problems or crises manifested in the course of an individual's treatment;</p> <p>2. Assessing and monitoring the individual's response to medication(s) to determine the need to continue medication and/or to determine the need to refer the individual for a medication;</p> <p>3. Assessing and monitoring the individual's medical and other health issues that are either directly related to the mental health disorder, or to the treatment of the disorder; and</p> <p>4. Consulting with the individual's family and significant other(s) about medical, nutritional and other health issues related to the individual's mental health disorder.</p>	
Behavioral Health Counseling and Therapy	<p>Behavioral health counseling and therapy provides individual or group counseling by a clinician for children in foster care receiving services through a residential child care facility or in a therapeutic foster care home. Clinicians must be employed by or contracted through the residential child care facility or the therapeutic foster care agency.</p> <p>This service is limited to one hour per child per day of individual counseling and one hour per child per day of group counseling and must be within each practitioner's scope of practice in accordance with licensure and certification. If additional services are medically necessary, the provider may request service authorization from the North Dakota Medicaid Program.</p>	Licensed Addiction Counselor (LAC), Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Individual Counseling	Individual counseling is a process through which an individual works one-on-one with a trained therapist in a safe, caring, and confidential environment to explore their feelings, beliefs, or behaviors, work through challenging or influential memories, identify aspects of their lives that they would like to change, better understand themselves and others, set personal goals, and work toward desired change.	Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)

Service Name	Definition of Services	Who Provides
Intensive in-home for Children	<p>This service provides families, who are at risk of one or more children being placed in out-of-home care, with intensive in-home crisis intervention and family education. The service must be directed to the Medicaid-eligible child through work with families in their own homes. Providers are on call 24 hours a day, seven days a week. Services are time-limited and providers carry a limited caseload.</p> <p>A child is at risk if the referring agency documents the child is at risk of out-of-home placement and one or more of the following criteria is present:</p> <ul style="list-style-type: none"> • Court determination for need of placement; • Temporary custody transferred from parents with reunification as the plan; • History of significant law violation, physical or sexual abuse and/or neglect, incorrigibility, delinquency, substance abuse, severe mental health issues, etc.; • A referral from the child and family team process; • Prior placement of any child from within the family unit; • Prior placement history of child identified in the referral; • Prevent adoption disruption; • Child protection assessment resulting in a "Services Required"; and/or • Earlier intervention before court order involvement to prevent placement outside the home. <p>Situations not covered above will be reviewed by the North Dakota Medicaid Program per a recommendation and proposed care plan from Intensive In-Home Service provider and the referring agency.</p> <p>The length of service is brief, solution-focused and outcome-based. The average length of service is usually two to six months. Services provided beyond six months will require thorough documentation in the child's plan of care and are subject to audit.</p>	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Skills Restoration	Time limited skills restoration provides an individual with needed and desired skills such as daily living/independent living skills to improve their	Licensed Certified Social Worker (LCSW), Licensed

Service Name	Definition of Services	Who Provides
Skills Restoration (continued)	<p>functional impairments affected by the individual's behavioral health diagnoses and symptoms to meet rehabilitation goals. Skills restorations is a systematic series of instructional activities, which include a mixture of education, confirmation and demonstration of learned skills and capacity for observed learning over time to ensure lasting results that translate to the living environment.</p> <ul style="list-style-type: none"> • Functional impairment must be severe enough to meet medical necessity. • Example skill areas affected by behavioral health diagnoses and symptoms: <ul style="list-style-type: none"> ○ Behavioral health illness symptom management; ○ Harm reduction techniques; ○ Coping skills; ○ Decision and problem solving; ○ Self-awareness; ○ Emotional regulation skills; ○ Communication skills; ○ Household management; ○ Budgeting skills; ○ Learning skills for financial self-support; ○ Housing stability and maintenance skills; ○ Meal prep and cooking skills; ○ Laundry; ○ Self-care; ○ Personal hygiene grooming; ○ Bathing and dressing; ○ Toilet hygiene; ○ Self-management of taking medications. <p>Skills restoration technique and interventions used should be evidence based practice.</p> <p>Skills restoration is considered an individual service and if provided in a group setting, must be billed with the appropriate modifiers.</p>	Professional Counselor (LPC), Behavior Modification Specialist, Registered Nurse (RN)
Behavioral Intervention	<p>A service to identify responsive actions by an individual to stimuli and to develop and facilitate the implementation of an intervention regimen that will reduce, modify, or eliminate undesirable responses. This intervention is a comprehensive rehabilitative service that braids developing daily living skills, interpersonal skills, and behavior management skills into a defined individualized strategy to enable an</p>	Licensed Exempt Psychologist, Behavior Modification Specialist

Service Name	Definition of Services	Who Provides
Behavioral Intervention (continued)	individual to manage symptoms and regain lost functioning due to mental illness, substance abuse, and/or co-occurring disorders. This service includes the assessment of the individual and the development a Behavioral Intervention Plan. The plan is to be reviewed and modified as needed to ensure the individual receives appropriate interventions.	
Forensic Interview	A single interview session performed by an accredited children's advocacy center. The single interview session must be recorded and is designed to elicit a child's unique information when there are concerns of possible abuse.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Crisis Residential Unit	This is a residential alternative of not more than 16 beds, to prevent or divert from inpatient hospitalization, offering psychiatric stabilization and detoxification services. The service is paid a per diem and provides medically monitored residential services for the purpose of providing psychiatric stabilization and substance detoxification services on a short-term basis. Specific services include: 1. Psychiatric medical assessment; 2. Crisis assessment, support and intervention including support for withdrawal management; 3. Medication administration, management, and monitoring; 4. Brief individual, group and/or family counseling; and 5. Linkage to other rehabilitative services as needed.	
Skills Integration	A service designed to support an individual in the community in their efforts to apply and integrate those life skills that have been learned in their therapy programs. The individual typically requires support for cueing/modeling of appropriate behavioral and life skills in order to maximize their skills and prevent need for higher levels of care. For example, behavior management assistance helps an individual to stabilize, reduce, or eliminate undesirable behaviors which put them at risk of being	Mental Health Technician, Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed

Service Name	Definition of Services	Who Provides
Skills Integration (continued)	<p>served in restrictive settings. Role modeling helps an individual learn and observe appropriate behavioral and emotional responses to various situations which can trigger their medical symptoms.</p> <p>The service reduces disability and restores an individual to previous functional levels by assisting the individual in ongoing utilization and application of learned skills in normalized living situations. This strengthens the skill development that has occurred, and promotes skill integration in various life roles.</p> <p>Services are limited to four hours per day and must be within each practitioner's scope of practice in accordance with licensure and certification. If additional services are medically necessary, the provider may request service authorization from the North Dakota Medicaid Program.</p> <p>Skills integration is considered an individual service and if provided in a group setting, must be billed with the appropriate modifiers.</p>	Professional Counselor (LPC), Behavior Modification Specialist
Transitional Living	Transitional Living is a residential alternative of not more than 16 beds, designed to assist individuals in improving the self-help, socialization and adaptive skills necessary to reside successfully in home and community based settings. This service includes assistance with acquisition of skills related to activities of daily living and the social and adaptive skills necessary to enable the individuals to reside in a non-institutional setting.	
Substance Use Disorder Treatment	<p>Substance Use Disorder Treatment means ambulatory services provided to an individual with an impairment resulting from a substance use disorder which are provided by a multidisciplinary team of health care professionals and are designed to stabilize the health of the individual. Services for treatment of substance use disorder may be hospital-based or non-hospital-based.</p> <p>Limitations:</p> <ol style="list-style-type: none"> 1. Coverage for American Society of Addiction Medicine 2.1 services is limited to thirty days per calendar year per individual. 	Licensed addiction counselors and licensed addiction programs may enroll as Medicaid providers for American Society of Addiction Medicine levels of care 1, 2.1, 2.5, 3.1 and 3.5, as prescribed in North Dakota Administrative Code chapter 75-09.1.

Service Name	Definition of Services	Who Provides
Substance Use Disorder Treatment (continued)	<p>2. Coverage for American Society of Addiction Medicine 2.5 services is limited to forty-five days per calendar year per individual.</p> <p>3. Coverage for American Society of Addiction Medicine 3.5 services is limited to forty-five days per calendar year per individual.</p> <p>4. The North Dakota Medicaid Program may authorize additional days if determined to be medically necessary.</p> <p>Licensed addiction counselors, operating within their scope of practice, performing American Society of Addiction Medicine 1, and practicing within a recognized Indian reservation in North Dakota, are not required to have licensure prescribed in North Dakota Administrative Code chapter 75-09.1 for Medicaid American Society of Addiction Medicine 1 billed services provided within a recognized Indian reservation in North Dakota.</p> <p>Licensed addiction counselors include licensed clinical addiction counselors, licensed master addiction counselors and practitioners possessing a similar license in a border state and operating within their scope of practice in that state. Licensed addiction programs operating in a border state must provide documentation to the North Dakota Medicaid Program of their state's approval for the operation of the addiction program.</p>	

PRACTITIONER QUALIFICATIONS

Other Licensed Practitioners recognized by the Single Medicaid Agency and authorized under Attachment 3.1-A Item 6.d. and Attachment 3.1-B Item 6.d. may bill Medicaid for covered services, including Rehabilitative Services, allowed within their scope of practice.

Practitioners possessing a similar license/certification in a border state and operating within their scope of practice in that state may enroll to provide rehabilitative services upon attesting to the Single State Medicaid Agency of their comparable license/certification.

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Licensed Addiction Counselor, Clinical Addiction Counselor, or Master Addiction Counselor	Requires current licensure as an Addiction Counselor, Clinical Addiction Counselor, or Master Addiction Counselor by the ND Board of Addiction Counseling Examiners.		Supervision requirements dictated by ND Board of Addiction Counseling Examiners.	Supervision requirements dictated by ND Board of Addiction Counseling Examiners.
Licensed Exempt Psychologist	Eligibility for licensure exemption as determined by the ND Board of Psychologist Examiners.		Yes - supervision is provided by a Licensed Clinical Psychologist	No
Behavior Modification Specialist		Master's degree in psychology, social work, counseling, education, child development and family science, or communication disorders. Or a bachelors' degree in one of the above fields and two years of work experience in the respective discipline.	Supervised by licensed clinical psychologist, or a clinician in one of the identified eligible professions in the preceding column with at least two years of work experience.	No

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Licensed Social Worker enrolled prior to November 1, 2018. After November 1, 2018 only enrolled to provide Screening, Triage, and Referral Leading to Assessment, Crisis Intervention, Behavioral Health Counseling and Therapy, Intensive In-home for Children, Forensic Interview, and Skills Integration.	Licensure as LSW by ND Board of Social Work Examiners.		The LSW is supervised by an LICSW, LCSW or LPCC	No
Licensed Certified Social Worker	Licensure as a LCSW by ND Board of Social Work Examiners.		No	Yes. May supervise LSW.
Registered Nurse	Requires licensure as a Registered Nurse by the North Dakota Board of Nursing		No	Yes. May supervise Mental Health Technicians.
Licensed Associate Professional Counselor, if enrolled prior to November 1, 2018. After November 1, 2018, will only enroll to provide Behavioral Health Counseling and Therapy, Individual Counseling, Intensive In-home for Children, Forensic Interview, and Skills Integration.	Licensure as a LAPC by the ND Board of Counselor Examiners		No	No
Licensed Professional Counselor	Licensure as a LPC by the ND Board of Counselor Examiners		No	Yes. May supervise less experienced LPCs.

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Mental Health Technician	Certification as a Mental Health Technician	Requires a high school degree or GED.	Requires supervision by a licensed practitioner within their scope of practice.	No

The North Dakota Medicaid Program, through the provider agreement, contracts with entities to provide rehabilitative services. The entities must attest to the North Dakota Medicaid Program that they:

- Maintain case files for each Medicaid-eligible individual;
- Retain evidence of compliance with the practitioner qualifications;
- Notify individuals of any limitations on amount, duration or scope of services and alert individuals when limitations are about to be reached and request authorization from the North Dakota Medicaid Program, as appropriate, for additional services; and
- Provide services according to a plan of care.

Individual practitioners must meet the qualifications detailed in the Provider Qualifications table and must be employed by an entity that has a provider agreement with the North Dakota Medicaid Program. The practitioner is responsible for ensuring services are allowed to be provided within their scope of practice and is responsible for maintaining the individual qualifications outlined in the Provider Qualifications table.

Eligibility for Services

The following requirements must be met before rehabilitative services can be provided through the North Dakota Medicaid Program.

- 1) The individual must be eligible for the Medicaid Program; and
- 2) Other than *Screening, Triage, and Referral Leading to Assessment, Behavioral Assessment, Crisis Intervention* and *Forensic Interview*, the service must be recommended by a practitioner of the healing arts within the scope of their practice under state law; and
- 3) The individual must be in need of mental health or behavioral intervention services that are provided by qualified entities; and
- 4) The individual must have one of the following circumstances:
 - a) The individual must be at risk of entering or reentering a mental health facility or hospital and demonstrate a score of moderate or above based on the World Health Organization Disability Assessment Schedule (WHODAS) 2.0; or
 - b) The individual must need substance use disorder treatment services; or
 - c) The individual must have a mental health disorder and be from a household that is in crisis and at risk of major dysfunction that could lead to disruption of the current family makeup; or
 - d) The individual must have a mental health disorder and be in a family that has experienced dysfunction that has resulted in disruption of the family.

13d. Rehabilitative Services.

Definition of Services

Rehabilitative Services are designed to provide a group of needed mental health services to Medicaid-eligible individuals in order to restore them to their highest possible functioning level for maximum reduction of physical or mental disability. Services are limited to individuals in families that are in crisis with risk of major disruption, to individuals who are at risk of entering or reentering a mental health or hospital facility, services provided by Human Service Center staff that are not otherwise Other Licensed Practitioners, in settings outside the Center, and services provided to individuals who have discharged from inpatient psychiatric treatment.

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Rehabilitative Services do not include the following:

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- b. Services provided to residents of institutions for mental diseases;
- c. Services that are covered elsewhere in the State Medicaid plan;
- d. Educational, vocational and job training services;
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- f. Habilitation Services;
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- h. Services rendered in schools as part of a child's Individualized Education Program.

Service Name	Definition of Services	Who Provides
Screening, Triage, and Referral Leading to Assessment	This service includes the brief assessment of an individual's need for services to determine whether there are sufficient indications of behavioral health issues to warrant further evaluation. This service also includes the initial gathering of information to identify the urgency of need. This information must be collected through a face-to-face interview with the individual and may also include a telephonic interview with the family/guardian as necessary. This service includes the process of obtaining cursory historical, social, functional, psychiatric, developmental, or other information from the individual and/or family seeking services in order to determine whether or not a behavioral health issue is likely to exist and the urgency of the need. Services are available 24 hours per day, seven days per week. This service also includes the provision of appropriate triage and referrals to needed services based on the individual's presentation and preferences as identified in the screening process.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Exempt Psychologist, Licensed Professional Counselor (LPC), Behavior Modification Specialist
Behavioral Assessment	Interview with the individual, family, staff or other caregivers, and observation of the individual in the environment to assess identified behavioral excesses or deficits. This service involves operationally defining a behavior, identifying environmental, antecedent and consequent events, and making a hypothesis regarding the likely function or purpose of the behavior as well as formulation of therapeutic recommendations/intervention regimen.	Licensed Exempt Psychologist, Licensed Certified Social Worker (LCSW), Licensed Professional Counselor (LPC)
Crisis Intervention	Emergency behavioral health therapeutic intervention intended to assist in a crisis situation. Crisis situations may be defined as an individual's perception or experience of an event or situation that exceeds the individual's current resources or coping mechanisms. Crisis intervention seeks to stabilize the individual's mental state and prevent immediate harm to the individual or others in contact with that individual.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Professional Counselor (LPC), Behavior Modification Specialist
Nursing Assessment and Evaluation	This service requires face-to-face contact with the individual to monitor, evaluate, assess, and/or carry out an order from a licensed practitioner within their scope of practice. This service must be inclusive of all of the following items: 1. Assessment to observe, monitor, and care for the physical, nutritional and psychological issues,	Registered Nurse (RN)

Service Name	Definition of Services	Who Provides
Nursing Assessment and Evaluation (continued)	<p>problems or crises manifested in the course of an individual's treatment;</p> <p>2. Assessing and monitoring the individual's response to medication(s) to determine the need to continue medication and/or to determine the need to refer the individual for a medication;</p> <p>3. Assessing and monitoring the individual's medical and other health issues that are either directly related to the mental health disorder, or to the treatment of the disorder; and</p> <p>4. Consulting with the individual's family and significant other(s) about medical, nutritional and other health issues related to the individual's mental health disorder.</p>	
Behavioral Health Counseling and Therapy	<p>Behavioral health counseling and therapy provides individual or group counseling by a clinician for children in foster care receiving services through a residential child care facility or in a therapeutic foster care home. Clinicians must be employed by or contracted through the residential child care facility or the therapeutic foster care agency.</p> <p>This service is limited to one hour per child per day of individual counseling and one hour per child per day of group counseling and must be within each practitioner's scope of practice in accordance with licensure and certification. If additional services are medically necessary, the provider may request service authorization from the North Dakota Medicaid Program.</p>	Licensed Addiction Counselor (LAC), Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Individual Counseling	Individual counseling is a process through which an individual works one-on-one with a trained therapist in a safe, caring, and confidential environment to explore their feelings, beliefs, or behaviors, work through challenging or influential memories, identify aspects of their lives that they would like to change, better understand themselves and others, set personal goals, and work toward desired change.	Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)

Service Name	Definition of Services	Who Provides
Intensive in-home for Children	<p>This service provides families, who are at risk of one or more children being placed in out-of-home care, with intensive in-home crisis intervention and family education. The service must be directed to the Medicaid-eligible child through work with families in their own homes. Providers are on call 24 hours a day, seven days a week. Services are time-limited and providers carry a limited caseload.</p> <p>A child is at risk if the referring agency documents the child is at risk of out-of-home placement and one or more of the following criteria is present:</p> <ul style="list-style-type: none"> • Court determination for need of placement; • Temporary custody transferred from parents with reunification as the plan; • History of significant law violation, physical or sexual abuse and/or neglect, incorrigibility, delinquency, substance abuse, severe mental health issues, etc.; • A referral from the child and family team process; • Prior placement of any child from within the family unit; • Prior placement history of child identified in the referral; • Prevent adoption disruption; • Child protection assessment resulting in a "Services Required"; and/or • Earlier intervention before court order involvement to prevent placement outside the home. <p>Situations not covered above will be reviewed by the North Dakota Medicaid Program per a recommendation and proposed care plan from Intensive In-Home Service provider and the referring agency.</p> <p>The length of service is brief, solution-focused and outcome-based. The average length of service is usually two to six months. Services provided beyond six months will require thorough documentation in the child's plan of care and are subject to audit.</p>	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Skills Restoration	Time limited skills restoration provides an individual with needed and desired skills such as daily living/independent living skills to improve their	Licensed Certified Social Worker (LCSW), Licensed

Service Name	Definition of Services	Who Provides
Skills Restoration (continued)	<p>functional impairments affected by the individual's behavioral health diagnoses and symptoms to meet rehabilitation goals. Skills restorations is a systematic series of instructional activities, which include a mixture of education, confirmation and demonstration of learned skills and capacity for observed learning over time to ensure lasting results that translate to the living environment.</p> <ul style="list-style-type: none"> • Functional impairment must be severe enough to meet medical necessity. • Example skill areas affected by behavioral health diagnoses and symptoms: <ul style="list-style-type: none"> ○ Behavioral health illness symptom management; ○ Harm reduction techniques; ○ Coping skills; ○ Decision and problem solving; ○ Self-awareness; ○ Emotional regulation skills; ○ Communication skills; ○ Household management; ○ Budgeting skills; ○ Learning skills for financial self-support; ○ Housing stability and maintenance skills; ○ Meal prep and cooking skills; ○ Laundry; ○ Self-care; ○ Personal hygiene grooming; ○ Bathing and dressing; ○ Toilet hygiene; ○ Self-management of taking medications. <p>Skills restoration technique and interventions used should be evidence based practice.</p> <p>Skills restoration is considered an individual service and if provided in a group setting, must be billed with the appropriate modifiers.</p>	Professional Counselor (LPC), Behavior Modification Specialist, Registered Nurse (RN)
Behavioral Intervention	<p>A service to identify responsive actions by an individual to stimuli and to develop and facilitate the implementation of an intervention regimen that will reduce, modify, or eliminate undesirable responses. This intervention is a comprehensive rehabilitative service that braids developing daily living skills, interpersonal skills, and behavior management skills into a defined individualized strategy to enable an</p>	Licensed Exempt Psychologist, Behavior Modification Specialist

Service Name	Definition of Services	Who Provides
Behavioral Intervention (continued)	individual to manage symptoms and regain lost functioning due to mental illness, substance abuse, and/or co-occurring disorders. This service includes the assessment of the individual and the development a Behavioral Intervention Plan. The plan is to be reviewed and modified as needed to ensure the individual receives appropriate interventions.	
Forensic Interview	A single interview session performed by an accredited children's advocacy center. The single interview session must be recorded and is designed to elicit a child's unique information when there are concerns of possible abuse.	Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed Professional Counselor (LPC)
Crisis Residential Unit	This is a residential alternative of not more than 16 beds, to prevent or divert from inpatient hospitalization, offering psychiatric stabilization and detoxification services. The service is paid a per diem and provides medically monitored residential services for the purpose of providing psychiatric stabilization and substance detoxification services on a short-term basis. Specific services include: 1. Psychiatric medical assessment; 2. Crisis assessment, support and intervention including support for withdrawal management; 3. Medication administration, management, and monitoring; 4. Brief individual, group and/or family counseling; and 5. Linkage to other rehabilitative services as needed.	
Skills Integration	A service designed to support an individual in the community in their efforts to apply and integrate those life skills that have been learned in their therapy programs. The individual typically requires support for cueing/modeling of appropriate behavioral and life skills in order to maximize their skills and prevent need for higher levels of care. For example, behavior management assistance helps an individual to stabilize, reduce, or eliminate undesirable behaviors which put them at risk of being	Mental Health Technician, Licensed Social Worker (LSW), Licensed Certified Social Worker (LCSW), Licensed Associate Professional Counselor (LAPC), Licensed

Service Name	Definition of Services	Who Provides
Skills Integration (continued)	<p>served in restrictive settings. Role modeling helps an individual learn and observe appropriate behavioral and emotional responses to various situations which can trigger their medical symptoms.</p> <p>The service reduces disability and restores an individual to previous functional levels by assisting the individual in ongoing utilization and application of learned skills in normalized living situations. This strengthens the skill development that has occurred, and promotes skill integration in various life roles.</p> <p>Services are limited to four hours per day and must be within each practitioner's scope of practice in accordance with licensure and certification. If additional services are medically necessary, the provider may request service authorization from the North Dakota Medicaid Program.</p> <p>Skills integration is considered an individual service and if provided in a group setting, must be billed with the appropriate modifiers.</p>	Professional Counselor (LPC), Behavior Modification Specialist
Transitional Living	Transitional Living is a residential alternative of not more than 16 beds, designed to assist individuals in improving the self-help, socialization and adaptive skills necessary to reside successfully in home and community based settings. This service includes assistance with acquisition of skills related to activities of daily living and the social and adaptive skills necessary to enable the individuals to reside in a non-institutional setting.	
Substance Use Disorder Treatment	<p>Substance Use Disorder Treatment means ambulatory services provided to an individual with an impairment resulting from a substance use disorder which are provided by a multidisciplinary team of health care professionals and are designed to stabilize the health of the individual. Services for treatment of substance use disorder may be hospital-based or non-hospital-based.</p> <p>Limitations:</p> <ol style="list-style-type: none"> 1. Coverage for American Society of Addiction Medicine 2.1 services is limited to thirty days per calendar year per individual. 	Licensed addiction counselors and licensed addiction programs may enroll as Medicaid providers for American Society of Addiction Medicine levels of care 1, 2.1, 2.5, 3.1 and 3.5, as prescribed in North Dakota Administrative Code chapter 75-09.1.

Service Name	Definition of Services	Who Provides
Substance Use Disorder Treatment (continued)	<p>2. Coverage for American Society of Addiction Medicine 2.5 services is limited to forty-five days per calendar year per individual.</p> <p>3. Coverage for American Society of Addiction Medicine 3.5 services is limited to forty-five days per calendar year per individual.</p> <p>4. The North Dakota Medicaid Program may authorize additional days if determined to be medically necessary.</p> <p>Licensed addiction counselors, operating within their scope of practice, performing American Society of Addiction Medicine 1, and practicing within a recognized Indian reservation in North Dakota, are not required to have licensure prescribed in North Dakota Administrative Code chapter 75-09.1 for Medicaid American Society of Addiction Medicine 1 billed services provided within a recognized Indian reservation in North Dakota.</p> <p>Licensed addiction counselors include licensed clinical addiction counselors, licensed master addiction counselors and practitioners possessing a similar license in a border state and operating within their scope of practice in that state. Licensed addiction programs operating in a border state must provide documentation to the North Dakota Medicaid Program of their state's approval for the operation of the addiction program.</p>	

PRACTITIONER QUALIFICATIONS

Other Licensed Practitioners recognized by the Single Medicaid Agency and authorized under Attachment 3.1-A Item 6.d. and Attachment 3.1-B Item 6.d. may bill Medicaid for covered services, including Rehabilitative Services, allowed within their scope of practice.

Practitioners possessing a similar license/certification in a border state and operating within their scope of practice in that state may enroll to provide rehabilitative services upon attesting to the Single State Medicaid Agency of their comparable license/certification.

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Licensed Addiction Counselor, Clinical Addiction Counselor, or Master Addiction Counselor	Requires current licensure as an Addiction Counselor, Clinical Addiction Counselor, or Master Addiction Counselor by the ND Board of Addiction Counseling Examiners.		Supervision requirements dictated by ND Board of Addiction Counseling Examiners.	Supervision requirements dictated by ND Board of Addiction Counseling Examiners.
Licensed Exempt Psychologist	Eligibility for licensure exemption as determined by the ND Board of Psychologist Examiners.		Yes - supervision is provided by a Licensed Clinical Psychologist	No
Behavior Modification Specialist		Master's degree in psychology, social work, counseling, education, child development and family science, or communication disorders. Or a bachelors' degree in one of the above fields and two years of work experience in the respective discipline.	Supervised by licensed clinical psychologist, or a clinician in one of the identified eligible professions in the preceding column with at least two years of work experience.	No

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Licensed Social Worker enrolled prior to November 1, 2018. After November 1, 2018 only enrolled to provide Screening, Triage, and Referral Leading to Assessment, Crisis Intervention, Behavioral Health Counseling and Therapy, Intensive In-home for Children, Forensic Interview, and Skills Integration.	Licensure as LSW by ND Board of Social Work Examiners.		The LSW is supervised by an LICSW, LCSW or LPCC	No
Licensed Certified Social Worker	Licensure as a LCSW by ND Board of Social Work Examiners.		No	Yes. May supervise LSW.
Registered Nurse	Requires licensure as a Registered Nurse by the North Dakota Board of Nursing		No	Yes. May supervise Mental Health Technicians.
Licensed Associate Professional Counselor, if enrolled prior to November 1, 2018. After November 1, 2018, will only enroll to provide Behavioral Health Counseling and Therapy, Individual Counseling, Intensive In-home for Children, Forensic Interview, and Skills Integration.	Licensure as a LAPC by the ND Board of Counselor Examiners		No	No
Licensed Professional Counselor	Licensure as a LPC by the ND Board of Counselor Examiners		No	Yes. May supervise less experienced LPCs.

Provider Types	Licensure/ Certification Authority	Education/ Degree Required	Position requires Supervision Y/N	Position Supervises others Y/N
Mental Health Technician	Certification as a Mental Health Technician	Requires a high school degree or GED.	Requires supervision by a licensed practitioner within their scope of practice.	No

The North Dakota Medicaid Program, through the provider agreement, contracts with entities to provide rehabilitative services. The entities must attest to the North Dakota Medicaid Program that they:

- Maintain case files for each Medicaid-eligible individual;
- Retain evidence of compliance with the practitioner qualifications;
- Notify individuals of any limitations on amount, duration or scope of services and alert individuals when limitations are about to be reached and request authorization from the North Dakota Medicaid Program, as appropriate, for additional services; and
- Provide services according to a plan of care.

Individual practitioners must meet the qualifications detailed in the Provider Qualifications table and must be employed by an entity that has a provider agreement with the North Dakota Medicaid Program. The practitioner is responsible for ensuring services are allowed to be provided within their scope of practice and is responsible for maintaining the individual qualifications outlined in the Provider Qualifications table.

Eligibility for Services

The following requirements must be met before rehabilitative services can be provided through the North Dakota Medicaid Program.

- 1) The individual must be eligible for the Medicaid Program; and
- 2) Other than *Screening, Triage, and Referral Leading to Assessment, Behavioral Assessment, Crisis Intervention* and *Forensic Interview*, the service must be recommended by a practitioner of the healing arts within the scope of their practice under state law; and
- 3) The individual must be in need of mental health or behavioral intervention services that are provided by qualified entities; and
- 4) The individual must have one of the following circumstances:
 - a) The individual must be at risk of entering or reentering a mental health facility or hospital and demonstrate a score of moderate or above based on the World Health Organization Disability Assessment Schedule (WHODAS) 2.0; or
 - b) The individual must need substance use disorder treatment services; or
 - c) The individual must have a mental health disorder and be from a household that is in crisis and at risk of major dysfunction that could lead to disruption of the current family makeup; or
 - d) The individual must have a mental health disorder and be in a family that has experienced dysfunction that has resulted in disruption of the family.

2) The per diem rate for a residential provider is established based on the residential provider's reported allowable costs for direct and indirect personal care services divided by the number of days personal care services were provided during the report period. The per diem rate is applicable to all eligible individuals authorized to receive personal care services from the residential provider and does not vary based on the amount of services authorized for each individual. The per diem rate is payable only for days in which at least 15 minutes of personal care services is provided to the individual in the residential facility. For an individual who does not receive at least 15 minutes of personal cares per day, the rate payable to a residential provider for personal care services shall not exceed the maximum allowable hourly rate for an agency as established in paragraph a.

The per diem rate shall be established annually for each residential provider based on a cost report that identifies actual costs incurred for the provision of personal care services during the provider's fiscal year. The established per diem rate may not exceed the maximum per diem rate. North Dakota Medicaid providers will receive a three percent inflationary increase in reimbursement effective for dates of service July 1, 2015, as authorized and appropriated by the 2015 Legislative Assembly.

Allowable costs included in the personal care per diem rate are:

1. Salaries, fringe benefits and training expenses for direct supervisors and staff who provide assistance with:
 - a. Activities of daily living including eating, bathing, dressing, mobility, toileting, transferring and maintaining continence; and
 - b. Instrumental activities of daily living that include personal hygiene, light housework, laundry, meal preparation, transportation, grocery shopping, using the telephone, medication management and money management.
2. Administration and overhead expenses that include salaries and fringe benefits of an administrator, assistant administrator or top management personnel, liability insurance, central and home office costs excluding property costs, telephone, personnel recruitment costs, computer software costs, business office expenses, and working capital interest.

24. Vacated

25. Organ Transplants - Payments for physician services are based on Attachment 4.19-B No. 6 as described in this attachment. Payment for hospital services are based on Attachment 4.19-A.

26. For diagnostic, screening and preventive services, Medicaid will pay the lower of actual billed charges or the maximum allowable fee established by the state agency. The agency's fee schedule rate was set as of November 1, 2018 and is effective for services provided on or after that date.
27. Emergency hospital services provided by hospitals not otherwise participating in the Medicaid program are paid at the fixed percentage of charges for out-of-state hospitals as established in paragraph 1.
28. For Targeted Case Management Services, payment will be based on the lower of the providers actual billed charge or the fee schedule established in 15 minute units of service by the state. North Dakota Medicaid providers will receive a three percent inflationary increase in reimbursement effective for dates of service July 1, 2015, as authorized and appropriated by the 2015 Legislative Assembly.
29. For rehabilitative services, each qualified Medicaid service practitioner will be reimbursed a rate from the Medicaid fee schedule for defined units of service.

For services provided by non-governmental providers, payment will be the lower of the provider's actual billed charges or the fee schedule established by the state agency. The agency's fee schedule was set on November 1, 2018 and are effective for services provided on and after that date.

For the governmental providers, payment is established based on the cost of delivering the services on a prospective basis as determined by the single state agency from cost data submitted annually. Allowable costs will be determined in accordance with the Medicare Provider Reimbursement Manual. Governmental provider rates are set as of November 1, 2018 and are effective for services provided on or after that date. Providers will be notified of the rates via letter or email correspondence.

STATE: North Dakota

Attachment 4.19-B
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DELETED 11-1-2018

TN No. 18-0011
Supersedes
TN No. 15-0013

Approval Date: 09-18-2019

Effective Date: 11-01-2018

STATE: North Dakota

Attachment 4.19-B
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DELETED 11-1-2018

TN No. 18-0011
Supersedes
TN No. 18-0008

Approval Date: 09-18-2019

Effective Date: 11-01-2018

5. -Rate-Setting for New FQHCs

For the purpose of this Section, a “new FQHC” is an FQHC that meets all applicable licensing or enrollment requirements, and qualifies as an FQHC on or after April 1, 2012. Sites of an existing FQHC that are newly recognized by the Health Resources and Services Administration (HRSA) are not new FQHCs.

- (a) Establishment of Interim Rate: The state shall pay new FQHCs under the methodology effective for services provided on or after the effective date the provider is an enrolled provider. The new FQHC shall choose between two options for interim medical and dental APM rates that shall be effective until new APM rates are established:
 - i. 90% of the average medical APM rate and average dental APM rate for all FQHCs in North Dakota; or
 - ii. A rate based on an actual or *pro forma* cost report.
- (b) Establishment of APM Rates: The FQHC’s medical and dental APM rates will be determined according to subsection B.1 and shall be effective on the first day of the second full fiscal year of operations.
- (c) Reconciliation: Payments made to an FQHC under the interim rate described in subsection B.5 shall be subject to cost settlement, and the FQHC shall be entitled to receive the reasonable cost of providing covered services during the first two fiscal years of operation.

6. Behavioral Health Services Encounter

A behavioral health services encounter provided at a FQHC may be rendered by the following providers, within their scope of practice: Licensed Independent Clinical Social Workers, Licensed Professional Clinical Counselors, Licensed Marriage and Family Therapists, Licensed Psychologists, or Licensed Addiction Counselors.

All other ambulatory services are defined and furnished in accordance with the approved State Plan and recognized by the state under the FQHC benefit.

The rate for a behavioral health encounter shall be equal to the medical APM rate. A behavioral health encounter may be reimbursed in addition to a separate medical encounter on the same day.

7. Wrap-around payment under managed care arrangements

If services furnished by a FQHC to a Medicaid eligible recipient are paid by a managed care entity at a rate less than the established rate, a supplemental payment equal to the difference between the rate paid by the managed care entity and the established rate times the number of visits shall be made quarterly by the managed care entity. When supplemental payments are made by the managed care entity to the FQHC, the individually affected FQHC must agree to this payment methodology.